

Patent
Attorney Docket No. 76272

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
BERKENSTAM et al.

Application No.: 09/896,791 Art Unit: 1642
Filed: June 29, 2001 Examiner: Gary B. Nickol
Title: INHIBITORY PAS DOMAIN PROTEIN (IPAS) AND SCREENING
METHODS RELATED TO ANGIOGENESIS AND TUMOR
PROGRESSION

AFTER FINAL AMENDMENT UNDER 37 C.F.R. §1.116

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22131-1450
Via Facsimile to 703 872 9306

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Sir:

In response to the Office Action mailed August 23, 2004, Applicants respectfully request reconsideration of the claims in view of the following amendments and comments.

A Petition for Extension of Time begins on page 2 of this paper.

Amendments to the Claims begin on page 3 of this paper.

Remarks begin on page 4 of this paper.

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PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136(a)

Applicants hereby request that the period to take action in the above-captioned application be extended by one month pursuant to the provisions of 37 C.F.R. §1.136(a).

The Commissioner is hereby authorized to charge the \$60.00 small entity fee to Deposit Account No. 501249.

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REMARKS

The Examiner is respectfully requested to approve entry of the amendments enclosed herewith and withdraw the outstanding rejections. The claim amendments address the rejections of the outstanding action and place the case in condition for allowance without adding new matter or raising new issues.

Responsive to the objection to Claim 22, the same has been corrected by present amendment.

Responsive to the rejection of Claims 2 and 22-24 under 35 U.S.C. §112, first paragraph, the amendments to Claims 2 and 23 obviate this rejection by adding a functional limitation to the claims. Support for this amendment can be found in the specification; Examples 2-11 on pages 14-19 give examples of biological activities of the IPAS polypeptide. That of Example 8 has been added to the claims. Claim 22 is dependent from Claim 2 and Claim 24 is dependent from Claim 23; the dependent claims are allowable for the same reasons.

Applicants note with appreciation the indication of allowability of Claim 3 which remains unamended.

Further and favorable action in the form of a Notice of Allowance is believed to be next in order, and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to contact the undersigned.

December 21, 2004

Respectfully Submitted,



Olivia Tolan, Reg. No. 45,161

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